

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

In re: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	
LITIGATION)	
)	MDL NO. 1456
)	Civil Action No. 01-12257-PBS
)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO)	
<i>State of Nevada v. Abbott Laboratories, et al.,</i>)	
Case No. CV02-00260 (Nevada I),)	Chief Magistrate Judge Marianne B.
)	Bowler
<i>State of Nevada v. American Home Products, et al.,</i>)	
CA No. 02-CV-12086-PBS (Nevada II), and)	
)	
<i>State of Montana v. Abbott Labs., Inc., et al.</i>)	
CA No. 02-CV-12084-PBS)	
)	

HEARING: March 29, 2006
10:00 a.m.

**DEFENDANTS' MOTION FOR LEAVE TO FILE A REPLY BRIEF IN SUPPORT OF
THEIR SECOND MOTION TO COMPEL DISCOVERY FROM PLAINTIFFS
THE STATE OF NEVADA AND THE STATE OF MONTANA**

Defendants respectfully request leave to file a Reply Brief in Support of their Second Motion to Compel Discovery From Plaintiffs the State of Nevada and the State of Montana. A Reply Brief will assist the Court as it considers Defendants' Motion and Plaintiffs' Opposition in preparation for oral argument scheduled on March 29, 2006. The Reply Brief is intended to clarify and supplement the record with evidence acquired from deposition testimony and documents produced by the States since the filing of the Motion on January 31, 2006. For example, just this week, the State of Nevada provided Defendants with a document from a "Nevada Prescription Drug Policy Makers' Summit" that conclusively demonstrates that the very interagency communications regarding drug reimbursement issues that Plaintiffs assert never took place (Opp. at 6) actually occurred. Defendants also respond to new arguments raised by the States that were not addressed in the Motion.

WHEREFORE, Defendants respectfully request that the Court grant this Motion and permit its Reply Brief.

Certification Pursuant to Local Rules 7.1 and 37.1

Pursuant to Local Rules 7.1(a)(2) and 37.1 of this Court, the undersigned counsel certifies that counsel for Defendants conferred unsuccessfully with Plaintiffs' counsel in an effort to obtain Plaintiffs' consent to the filing of a Reply Brief.

Respectfully submitted on behalf of all Defendants in the Nevada and Montana actions,

/s/ Geoffrey E. Hobart

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March 24, 2006

Certificate of Service

I hereby certify that on **March 24, 2006**, I caused a true and correct copy of Defendants' Motion for Leave to File a Reply Brief in Support of their Second Motion to Compel Discovery From Plaintiffs the State of Nevada and the State of Montana, together with accompanying exhibits, to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 in MDL No. 1456.

/s/ Ronald G. Dove, Jr.